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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,786

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT

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3664

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,786	Applicant(s) CARPENTER, TIMOTHY GUY	
	Examiner BRIAN J. BROADHEAD	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-18 and 21-38 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-12-06, 3-10-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: It is dependent on itself. For examination purposes it is assumed it was meant to depend on claim 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claim elements “means for receiving”, “rule storage means”, “means for obtaining”, “means for determining”, “means for transmitting”, “signal receiving means”, “compliance storage means”, “compliance determining means”, “fee payment means”, “position detecting means”, “range determining means”, “direction determining means”, “vehicle observing means”, etc. are means (or step) plus function limitations that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to disclose the corresponding structure, material, or acts for the claimed function. The only “means” that has structure disclosed in the specification is the image observing means on page 19, where a digital camera is mentioned. It seems that all the rest fail properly disclose structure for the means. It doesn't help that the language in the specification is not consistent. For instance, on page 19 of the specification, in the fourth paragraph a “mobile observing device” is described, but in the next paragraph there is mention of “the observing means” which might be the same device but it isn't clear. The same type of problem shows up in the claims where the “means” names don't take the same consistent form. For instance, in claim 1 there is a “means for transmitting” but in claim 4 it appears this has morphed into “the signal transmitting means.”

Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it expressly recites what structure, material, or acts perform the claimed function without introducing any new matter (35 U.S.C. 132(a)).

If applicant is of the opinion that the written description of the specification already implicitly or inherently discloses the corresponding structure, material, or acts so that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function, applicant is required to clarify the record by either:

(a) Amending the written description of the specification such that it expressly recites the corresponding structure, material, or acts for performing the claimed function and clearly links or associates the structure, material, or acts to the claimed function, without introducing any new matter (35 U.S.C. 132(a)); or

(b) Stating on the record what the corresponding structure, material, or acts, which are implicitly or inherently set forth in the written description of the specification, perform the claimed function. For more information, see 37 CFR 1.75(d) and MPEP §§ 608.01(o) and 2181.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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2. Claims 1-12, 13-24, 25-28, and 33, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the compliance determination" in line 7-8. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 3 recites the limitation "the signal receiving means" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 9 recites the limitation "the signal" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 13 recites the limitation "the compliance determination" in line 9. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 25 recites the limitation "the mobile device" in lines 5, 6, and 8. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 33 recites the limitation "the data" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the

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applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-6, 9-11, 13-18, 21-23, 25-28, 31, 32, 33, 34, 35, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Kielland, 6081206.

11. Kielland discloses means for receiving an enquiry signal representing a location selected from a plurality of locations, rule storage means for storing parking rules relating to the plurality of locations, means for obtaining from the rule storage means a rule relating to the selected location, means for determining if a vehicle parked at the selected location complies with the rule, and means for transmitting a compliance signal representing the compliance determination; the signal receiving means is a wireless signal receiving means on lines 38-66, on column 8, lines 38-42, on column 16, lines 42-52, on column 22, and lines 10-20, on column 9; the signal receiving means is configured to receive a signal comprising an identification of a signal transmitting unit the signal transmitting means is configured to transmit the compliance signal to the signal transmitting unit, compliance storage means, the apparatus being configured to record the compliance determination and the identification of the transmitting unit in the compliance storage means, the identification of the signal transmitting unit is a secure identification on lines 2-25, on column 30; the signal representing a selected location comprises distant-reference determined coordinates the signal representing a selected location comprises distant-reference determined coordinates of a vehicle observing unit

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and coordinates representing the position of the vehicle with respect to the vehicle observing unit, the coordinates representing the position of the vehicle with respect to the vehicle observing unit comprise the distance of the vehicle from the observing unit, the inclination to the horizontal of the line joining the vehicle and the observing unit and the compass bearing of the line joining the vehicle and the observing unit on lines 34-62, on column 11; a plurality of transmitting units for transmitting enquiry signals representing a location selected from a plurality of locations, an apparatus comprising means for receiving an enquiry from a transmitting unit, rule storage means for storing parking rules relating to the plurality of locations, means for obtaining in response to an enquiry signal from a transmitting unit a rule relating to the respective selected location from the rule storage means, means for determining if the rule is infringed by a vehicle parked at the respective selected location complies with the rule, and means for transmitting a compliance signal representing the compliance determination on lines 38-66, on column 8, lines 38-42, on column 16, lines 42-52, on column 22, and lines 10-20, on column 9; camera means for obtaining a digital image of at least the registration plate of the vehicle, position detecting means, for detecting the position of the mobile device, range determining means for finding the range of the vehicle from the mobile device, direction determining means for finding the direction of the vehicle with respect to the mobile device, and transmitting means for transmitting signals representing the image of the vehicle, and the direction and distance of the vehicle from the mobile device to an apparatus on lines 34-62, on column 11.

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12. Claims 1, 12, 13, 24, 29, 30, and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz, 2002/0109610.

13. Katz discloses means for receiving an enquiry signal representing a location selected from a plurality of locations, rule storage means for storing parking rules relating to the plurality of locations, means for obtaining from the rule storage means a rule relating to the selected location, means for determining if a vehicle parked at the selected location complies with the rule, and means for transmitting a compliance signal representing the compliance determination; being for receiving an enquiry signal from a parking purchase unit, the means for determining if the vehicle parked at the selected location complies with the rule further comprising means for determining a parking fee to be paid for compliance to occur, the compliance signal further comprising an indication of the fee to be paid, the apparatus further comprising fee payment means for receiving payment of a fee from the parking purchase enquiry unit and for transmitting a further compliance signal to the parking purchase unit when the parking has been successfully purchased in paragraphs 43, 45, 46, 64, and 80; a plurality of transmitting units for transmitting enquiry signals representing a location selected from a plurality of locations, an apparatus comprising means for receiving an enquiry from a transmitting unit, rule storage means for storing parking rules relating to the plurality of locations, means for obtaining in response to an enquiry signal from a transmitting unit a rule relating to the respective selected location from the rule storage means, means for determining if the rule is infringed by a vehicle parked at the respective selected location complies with the rule, and means for transmitting a compliance signal representing the

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compliance determination in paragraphs 11, 12, 43, 45, 46, 64, and 80; the device being mountable in a vehicle in paragraph 41; and a display for displaying the parking rule in paragraph 45.

Allowable Subject Matter

14. Claims 7, 8, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose having separate compliance determining means for different unit types and directing a signal to the compliance determining means appropriate to the type of transmitting unit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN J. BROADHEAD whose telephone number is (571)272-6957. The examiner can normally be reached on Monday through Thursday or Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian J. Broadhead/
Examiner, Art Unit 3664
16.